

themselves that the income or property from all or part of the separate property then owned [~~by one of them,~~] or which thereafter might be acquired *by only one of them*, shall be the separate property of that spouse; [~~and~~] if one spouse makes a gift of property to the other that gift is presumed to include all the income or property which might arise from that gift of property; *and spouses may agree in writing that all or part of their community property becomes the property of the surviving spouse on the death of a spouse.*

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 3, 1987. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting spouses to hold community property with right of survivorship."

Adopted by the Senate on April 21, 1987, by the following vote: Yeas 28, Nays 2.

Adopted by the House on May 27, 1987, by the following vote: Yeas 135, Nays 0, two present not voting.

Filed with the Secretary of State, June 1, 1987.

S.J.R. No. 53

SENATE JOINT RESOLUTION

proposing a constitutional amendment to allow the legislature to limit the authority of a governor to fill vacancies in state and district offices if the governor is not reelected.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. Article IV, Section 12, of the Texas Constitution is amended to read as follows:

Sec. 12. (a) All vacancies in State or district offices, except members of the Legislature, shall be filled unless otherwise provided by law[,] by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate; but may appoint some other person to fill the vacancy until the next session of the Senate or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the next [first] general election [thereafter].

(b) *The Legislature by general law may limit the term to be served by a person appointed by the Governor to fill a vacancy in a state or district office to a period that ends before the vacant term otherwise expires or, for an elective office, before the next election at which the vacancy is to be filled, if the appointment is made on or after November 1 preceding the general election for the succeeding term of the office of Governor and the Governor is not elected at that election to the succeeding term. For purposes of this subsection, the expiration of a term of office or the creation of a new office constitutes a vacancy.*

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 1987. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to allow the legislature to limit the authority of a governor to fill vacancies in state and district offices during the end of the governor's term if the governor is not reelected."

Adopted by the Senate on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Adopted by the House on May 28, 1987, by the following vote: Yeas 113, Nays 28, one present not voting.

Filed with the Secretary of State, June 1, 1987.